

### **REMARKS**

A total of 44 claims remain in the present application. The foregoing amendments are presented in response to the Office Action mailed October 5, 2004 , wherefore reconsideration of this application is requested.

By way of the above-noted amendments, claims 1, 18 and 33 have been amended to more distinctly define features of the present invention. Claims 2, 19 and 34 have been cancelled to avoid redundancy in view of amended claims 1, 18 and 33. Consequential adjustment of the dependencies of claims 3, 9, 20, 21, 35 and 36 has been effected in view of the cancellation of claims 2, 19 and 34.

In preparing the above-noted amendments, careful attention was paid to ensure that no new subject matter has been introduced.

Referring now to the text of the Office Action:

- claims 1, 18 and 33 stand rejected under 35 U.S.C. § 102(e), as being unpatentable over the teaching of United States Patent No. 6,704,326 (Russell);
- claims 1, 11-13, 18, 28, 33 and 43 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over the teaching of United States Patent No. 6,658,021 (Bromley) in view of Applicant Admitted Prior Art of FIG. 2, and described at pages 10-11 of the specification;
- claims 2, 3, 9, 10, 19, 20, 26, 27, 34, 35, 41 and 42 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over the teaching of United States Patent No. 6,658,021 (Bromley) in view of Applicant Admitted Prior Art of FIG. 2, and described at pages 10-11 of the specification, and further in view of United States Patent No. 6,389,036 (Stewart);
- claims 7, 8, 16, 24, 25, 31, 39, 40 and 46 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over the teaching of United States Patent No. 6,658,021 (Bromley) in view of Applicant Admitted Prior Art of FIG. 2, and described at pages 10-11 of the specification, and further in view of United States Patent No. 6,608,834 (Lewin);

- claims 14, 15, 29, 30, 44 and 45 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over the teaching of United States Patent No. 6,658,021 (Bromley) in view of Applicant Admitted Prior Art of FIG. 2, and described at pages 10-11 of the specification, and further in view of United States Patent No. 5,040,170 (Upp); and
- claims 4-6, 17, 21-23, 32, 36-38 and 47 are objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As an initial matter, applicant appreciates the Examiner's indication of allowable subject matter in claims 4-6, 17, 21-23, 32, 36-38 and 47. The Examiners claim rejections of under 35 U.S.C. §102(e) and §103(a) are believed to be traversed by the above-noted claim amendments, and further in view of the following discussion.

Rejections under 35 U.S.C. §102(e)

It is believed that the Examiner's rejection of claims 1, 18 and 33 under 35 U.S.C. § 102(e) is traversed by way of the above noted claim amendments.

Rejections under 35 U.S.C. §103(a)

Amended claims 1, 18 and 33 defines that the "synchronous container [has] a line/column frame format conforming to a conventional synchronous optical network (SONET) frame format, and a stripped transport overhead (TOH)". None of the cited references teaches or suggests this feature.

In particular, United States Patent No. 6,658,021 (Bromley) teaches a method and system for per-channel mapping of data to/from virtual channels of a SONET payload. Bromely does not teach or suggest that the SONET payload is anything other than a conventional SONET Synchronous Payload Envelope (SPE), and does not teach or suggest that the SPE is inserted into anything other than a conventional SONET frame.

United States Patent No. 6,389,036 (Stewart) teaches a method of conveying data using an "airlink transport container" (ATC), in which SONET virtual tributaries are demultiplexed from the conventional SONET payload and inserted into the ATC. According to

Stewart, "efficiency of bandwidth is achieved ... through the use of compression of overhead bytes, dropping unnecessary path overhead information, dropping of redundant information, discarding reserved space, carrying payload in place of repetitive overhead information, and utilizing efficient error correction techniques" (Abstract). Stewart does not teach or suggest that the ATC has a "a line/column frame format conforming to a conventional synchronous optical network (SONET) frame format" as required by amended claims 1, 18 and 33. In fact, Stewart teaches directly away from this arrangement, by teaching that the ATC achieves improved bandwidth efficiency over the conventional SONET frame, by avoiding redundancies inherent to the standard SONET frame format; that is, by compression of overhead bytes, dropping path overhead information, dropping of redundant information, and discarding reserved space, all of which necessarily affect the frame format. None of the other cited references provide the missing teaching, wherefore it is believed that at least amended claims 1, 18, and 33 are patentable. The remaining claims define further features of the present invention, and are believed to provide further grounds for patentability.


Accordingly, it is respectfully submitted that the presently claimed invention is clearly distinguishable over the teaching of the cited references, taken alone or in any combination. Thus it is believed that the present application is in condition for allowance, and early action in that respect is courteously solicited.

AMENDMENT UNDER 37 CFR § 1.111  
Appl. No. 09/739,385  
Amdt. Dated Jan. 5, 2005  
Reply to Office action of Oct. 5, 2004

If any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this response, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 16-0820, Order No. 36602US1.

Respectfully submitted,

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